

A bill for an act

relating to public safety; lowering the age of adult certification for juveniles;
defining a violent juvenile offense; amending Minnesota Statutes 2008, sections
260B.007, by adding a subdivision; 260B.125, subdivision 1; 260B.130,
subdivision 1; 260B.141, subdivision 4; 260B.198, subdivision 6; 609.055.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 260B.007, is amended by adding a
subdivision to read:

Subd. 21. **Violent juvenile offense.** "Violent juvenile offense" means any of the
following offenses that would be a felony if committed by an adult: sections 609.185
(murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the
third degree); 609.20 (manslaughter in the first degree); and 609.205 (manslaughter in
the second degree).

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to
offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 260B.125, subdivision 1, is amended to read:

Subdivision 1. **Order.** When a child is alleged to have committed, after becoming
13 years of age, a violent juvenile offense as defined in section 260B.007, subdivision 21,
or after becoming 14 years of age, an offense that would be a felony if committed by an
adult, the juvenile court may enter an order certifying the proceeding for action under the
laws and court procedures controlling adult criminal violations.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to
offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2008, section 260B.130, subdivision 1, is amended to read:

Subdivision 1. **Designation.** A proceeding involving a child alleged to have committed a felony offense is an extended jurisdiction juvenile prosecution if:

(1) the child was 14 to 17 years old at the time of the alleged offense, a certification hearing was held, and the court designated the proceeding an extended jurisdiction juvenile prosecution;

(2) the child was 16 or 17 years old at the time of the alleged offense; the child is alleged to have committed an offense for which the Sentencing Guidelines and applicable statutes presume a commitment to prison or to have committed any felony in which the child allegedly used a firearm; and the prosecutor designated in the delinquency petition that the proceeding is an extended jurisdiction juvenile prosecution; ~~or~~

(3) the child was 14 to 17 years old at the time of the alleged offense, the prosecutor requested that the proceeding be designated an extended jurisdiction juvenile prosecution, a hearing was held on the issue of designation, and the court designated the proceeding an extended jurisdiction juvenile prosecution;

(4) the child was 13 years old at the time of the alleged offense, the alleged offense is a violent juvenile offense as defined in section 260B.007, subdivision 21, a certification hearing was held, and the court designated the proceeding an extended jurisdiction juvenile prosecution; or

(5) the child was 13 years old at the time of the alleged offense, the alleged offense is a violent juvenile offense as defined in section 260B.007, subdivision 21, the prosecutor requested that the proceeding be designated an extended jurisdiction juvenile prosecution, a hearing was held on the issue of designation, and the court designated the proceeding an extended jurisdiction juvenile prosecution.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to offenses committed on or after that date.

Sec. 4. Minnesota Statutes 2008, section 260B.141, subdivision 4, is amended to read:

Subd. 4. **Delinquency petition; extended jurisdiction juvenile.** When a prosecutor files a delinquency petition alleging that a child committed a felony offense for which there is a presumptive commitment to prison according to the Sentencing Guidelines and applicable statutes or in which the child used a firearm, after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a delinquency petition alleging that a child aged 13 years committed a violent juvenile offense as defined in section 260B.007, subdivision 21, or a child aged 14 to 17 years

committed a felony offense, the prosecutor may request that the court designate the proceeding an extended jurisdiction juvenile prosecution.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to offenses committed on or after that date.

Sec. 5. Minnesota Statutes 2008, section 260B.198, subdivision 6, is amended to read:

Subd. 6. **Expungement.** Except when legal custody is transferred under the provisions of subdivision 1, clause (4), or a child is adjudicated delinquent for committing a violent juvenile offense as defined in section 260B.007, subdivision 21, the court may expunge the adjudication of delinquency at any time that it deems advisable.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to offenses committed on or after that date.

Sec. 6. Minnesota Statutes 2008, section 609.055, is amended to read:

609.055 CAPABILITY OF CHILDREN TO COMMIT CRIME.

Subdivision 1. **General rule.** Children under the age of ~~14~~ 13 years are incapable of committing crime.

Subd. 2. **Adult prosecution.** (a) Except as otherwise provided in paragraph (b), children of the age of 13 years may be prosecuted for a violent juvenile offense, as defined in section 260B.007, subdivision 21, and children of the age of 14 years or over but under 18 years may be prosecuted for a felony offense if the alleged violation is duly certified for prosecution under the laws and court procedures controlling adult criminal violations or may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 260B. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

(1) the child has been previously certified on a felony charge pursuant to a hearing under section 260B.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and

(2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense.

(b) A child who is alleged to have committed murder in the first degree after becoming 16 years of age is capable of committing a crime and may be prosecuted for the felony. This paragraph does not apply to a child alleged to have committed attempted murder in the first degree after becoming 16 years of age.

- 4.1 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
- 4.2 offenses committed on or after that date.